IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3038 OF 2007
IN
APPEAL NO. OF 2007.

Rarity Exports Pvt. Ltd. ....Applicant.
V/s
Nasruddin S. Budhwani..... ....Respondent.

Mr.Prakash Naik, Adv. For the applicant.

CORAM: A.P.DESHPANDE, J.

4/12/07

PC:

This application has been moved by the applicant seeking special leave to appeal against the order of acquittal. It is the case of the complainant that the accused was to procure export orders for the complainant and was to be paid fixed sum by way of commission. Accused issued cheque of Rs.1 lac and on its deposit by the complainant in the bank it came to be dishonoured. On dishonour of the cheque the complainant served notice u/s.138 of the Negotiable Instruments Act and on non payment of the amount a complaint u/s.138 came to be filed. The trial Court has held that the complainant failed to establish that the cheque in questino was issued for discharge of legallyl recoverable debt or liability. Hence acquitted the accused. Perused the impugned judgment and order. Same does not call for any interference. Hence application for seeking leave to appeal is rejected.

4/12/07